



**Cafcass Board Meeting Minutes
Friday 10 October 2018, 10.30 to 12.30
21 Bloomsbury Street**

Present

Edward Timpson CBE, Chair of the Board
Deep Sagar, Cafcass Board member
Paul Grant, Cafcass Board member
Fay Selvan, Chair of the Performance and Quality Committee
Francis Plowden, Chair of the Audit and Risk Assurance Committee
Stuart Smith, Chair of the Performance and Quality Committee
Catherine Doran, Cafcass Board member
Mandy Jones, Cafcass Board member
Sally Cheshire, Cafcass Board member

In attendance

Anthony Douglas, Chief Executive
Julie Brown, Director of Resources
Teresa Williams, Director of Strategy
Christine Banim, National Service Director
Melanie Carew, Head of Legal Services
Grace Egbewole-Adereti, Board and Corporate Support Assistant
Nicola Blakebrough, Corporate Strategist
Neal Barcoe, Deputy Director for Family Justice Policy, Ministry of Justice
Benjamin, Family Justice and Young People's Board Representative

Apologies

Caroline Corby, Board member
Joanna Nicolas, Co-opted Board member

MINUTES

1. Chair's Welcome

The Chair welcomed everyone to the meeting, including Neal Barcoe, the new Deputy Director for Family Justice Policy at the Ministry of Justice (MoJ) and Benjamin, the representative from the Family Justice and Young People's Board (FJYBP), both of whom were attending their first meeting.

The Chair noted that new Board members had attended office visits as part of induction.

The Chair reported to the Board as follows:

- He would be recording a video message with the Chief Executive to all staff as part of the Strategic Plan refresh process.
- The Chair had attended an Operational Management Team meeting on 18 July 2018, extended Corporate Management Team meeting on 17 July 2018 and the FJYBP conference on 24 July 2018.

- The Chair would be meeting with the new President of the Family Division, Sir Andrew McFarlane and Mr Justice Cobb.
- The Chair noted that all Board member appraisals had been completed.

The Chair noted that his principle task over the coming months would be the recruitment of a new Chief Executive and invited Board members to express how they would like to engage with the recruitment exercise.

2. Apologies / Declarations of Interest / Minutes / Actions

2.1 Apologies

Apologies were received from Caroline Corby and Joanna Nicolas.

2.2 Declarations of interests

There were no new declarations of interest.

2.3 Draft Minutes from the Board Meeting on 15 June 2018

The minutes of the Board Meeting and the report from the Open Board meeting held on 15 June were agreed as an accurate record.

2.4 Action Log

The Board reviewed the Action Log and noted that all actions were either completed or are on track.

There were no further matters arising.

3. Report from the Chief Executive

The Chief Executive reported that demand for services continues at a high level with a small decrease in the rate of new public law applications and a further increase in the volume of open cases in the system. Despite high demand, KPIs are being met and staff morale continues to be good.

The Children Impact Assessment Framework (CIAF) was presented at the Board seminar on 9 October and would be launched on the Cafcass website after being presented to stakeholders on 10 October. The CIAF combines existing guidance and new tools which private law practitioners can use to assess different case factors, these include the assessment of domestic abuse, conflict which is harmful to the child, child refusal or resistance and other forms of harmful parenting. The Board requested that an update on progress of embedding the CIAF be provided at a future Board meeting. The Chief Executive noted that the framework was likely to be endorsed by the Association of Directors of Children's Services (ADCS) and adopted by local authorities.

The Board noted that Cafcass had been issued with a reprimand by the Information Commissioners Office (ICO) in relation to data breaches. This was a result of breaches which were previously classified as non-reportable (to the ICO) before the implementation of the General Data Protection Regulations (GDPR) on 25 May 2018, now being reportable. A fundamental review of current safeguards to identify how breaches might be reduced would be undertaken and would be reported to the Audit and Risk Assurance Committee (ARAC) on 19 December.

The Board queried whether Cafcass were at risk of receiving a fine from the ICO and was informed that while a formal reprimand had been issued, a fine was very unlikely at this stage. The Head of Legal Services informed the Board that similar concerns had been discussed at Arm's Length Bodies meetings. The Board was also informed that Cafcass is liaising with the ICO to access clearer guidance on the issue.

The Board commended the National Service Director for being short-listed for the Guardian's Leadership Excellence Award and noted that Cafcass had also been short listed for the Civil Service Health and Wellbeing Award (out of 1237 entries) in the Recruitment category for the Children and Young People Now Awards.

The Chief Executive noted he had begun working his notice period of 6 months and that colleagues at Penna and Cafcass Human Resources were working towards the appointment of a new Chief Executive. A longlist of candidates would be finalised by mid-November. Interviews for the role would take place on 4 December 2018 and would be conducted by the Chair of the Board, 2 board members and a representative from the MoJ. The Chair noted that Board members could share thoughts on the long list and invited Board members to discuss this with him directly. The Board was informed that the FJYPB would also separately interview shortlisted candidates.

The Board noted that uncertainties persist about the level of pay award for the current financial year to be made, but the maximum considered right and proper to pay, which is in line with the average pay award in the sector this year, had been budgeted for.

Action 1: An update on the Child Impact Assessment Framework would be provided to a future Board meeting.

4. Report from the Family Justice Young People's Board

The Chair welcomed Benjamin, a representative of the FJYPB who presented highlights from their regular updating report.

- The FJYPB now has 66 members and have completed a total of 63 commissions with a range of key stakeholders, 21 of which were for Cafcass.
- FJYPB members have been working with the National Improvement Service (NIS) team to produce an interactive and educational 'voice of the child' e-learning tool for all Cafcass staff and are exploring how this can be shared with external stakeholders.
- The FJYPB members took over Channel C for August 2018 providing an opportunity for all Cafcass staff to hear directly from the FJYPB.
- The FJYPB hosted its sixth annual Voice of the Child conference in Manchester on Tuesday 24 July 2018, with a theme focused on resilience – 'What it means to children and young people and how professionals can best support them to develop their resilience.' 'Top Tips for Parents' was also launched at the conference.
- FJYPB members attended the Family Justice Board meeting on 27 September. The Parliamentary Under-Secretary of State for Children and Families at DfE, Nadhim Zahawi MP, made a commitment to make the Top Tips available to schools in England.
- At the next FJYPB meeting on 20 October members would be participating in a workshop to develop a set of top tips for social workers in local authorities which has been requested from the Board.
- The FJYPB recently supported and joined the HMCTS CYP strategy group on a visit to Croydon Magistrates and County Court buildings. The focus was to feedback on how user and child friendly the building is and what changes we would like to be considered.

- On the 11 September the FJYPB met with the new President of the Family Division, Sir Andrew McFarlane. The meeting included a discussion about incorporating the child's photograph within S7 reports and case analysis report and this is now something the FJYPB want to work on with Cafcass.

The Chair commended the FJYPB for their efforts and noted it had been a productive period and the hard work of the FJYPB was having an impact.

The Board noted the positive move to promote the top tips in schools and suggested that these also be provided to private schools.

The Chair noted the development of FJYPB champions and suggested that there may be opportunity to pair FJYPB Champions with members of the Board at local offices.

The Board discussed funding of the FJYPB. The Director of Resources reported that the FJYPB is funded through Cafcass but that alternative funding options had been considered including external funding of the annual conference, however there is some anxiety about moving the FJYPB outside of the system. It was noted that the investment in the FJYPB was good value and that avenues for alternative funding were still being explored.

5. Reports from Audit and Risk Assurance Committee and the Performance and Quality Committees

Performance and Quality Committee (P&Q):

The Chair of the Performance and Quality Committee reported that the first meeting had been held on 7 September and had been co-chaired jointly by Fay Selvan and Stuart Smith. The P&Q Committee had reviewed the learning from area quality reviews and thematic audits and had received reports on the internal research programme and the Child Impact Assessment Framework. The forward plan would include discussions on sibling relationships, the positive parenting programme and human trafficking. It was noted that the programme of area quality reviews would be kept under review by the P&Q Committee.

Audit and Risk Assurance Committee (ARAC):

The Chair of ARAC informed the Board that ARAC had last met on 10 September 2018 and had reviewed the scheme of publications and asked for a review of items which had been exempt from the relevant year to be included within the Annual Freedom of Information report.

ARAC had discussed the grievance arrangements for incidences of sexual harassment and asked whether examples of best practice could be provided. The Board noted the positive delivery of the IT re-procurement programme and were informed that the Head of IT had started to share learning about Cafcass' transition and had shared a blog through LinkedIn which would be circulated to the Board. As part of closure activities, lessons learned would be developed and would be shared with ARAC.

The Board Chair thanked the Committee Chairs for their reports.

Action 2: The Head of IT's blog on LinkedIn, 'inadequate to outstanding, from paper to cloud' would be circulated to the Board.

6. Finance Report

The Director of Resources presented the Finance report to the Board and noted that the management accounts to the end of August 2018 show no areas of concern with spend broadly in line with the profiled budget. A cautious approach to budget allocation and approval

of new spend had been taken to maintain resilience to deal with potential spending pressures later in the financial year, particularly those relating to demand.

The Board discussed the risk profile and noted demand as the headline risk. Risk was also noted in relation to potential cost of data breaches and the current year pay award. The Director of Resources reported that a flexible approach to budget allocation would be taken to protect frontline services and build resilience into GDPR risk.

The Board noted that financial risks of the IT transition had now largely been resolved and settling within the range expected. The Corporate Management Team would be assessing the overall position for the first half of the financial year in order to allocate other spend from within the contingency with a priority to the frontline.

The Board was informed that the estates strategy was reviewed regularly by the National Service Director and the Director of Resources. There are a small number of properties that may be subject to landlords issuing notice and that Cafcass would only consider hub/sharing schemes if these were funded by the partner.

The Chair thanked the Director of Resources for the Report.

7. Demand Levels and Resourcing

The National Service Director informed the Board that the overall level of case demand in Public and Private Law has increased by 2% between April and August 2018. The summer had been a challenging period with some negative impact arising from the IT transition and high numbers of staff taking annual leave. Work is being managed within budget and quality is being maintained but staff are feeling pressure of relentless allocation. The emphasis on health and wellbeing continues to be a high priority and currently turnover of staff is low.

The Board noted the system wide issues and discussed the MoJ forecast and noted a small margin of difference with Cafcass' forecast.

The Board discussed the Support with Making Child Arrangements pilot and noted that the evaluation report was being drafted. The amount of pilot cases diverted away from the court, following the application, had remained low but the pilot would help develop the strategy of what an out of court service could look like. The National Service Director agreed to provide the evaluation report once this had been finalised with the MoJ.

It was noted that the number of short notice appointments was also having a detrimental effect on the level of demand. The Board agreed that short notice appointments would be included in future Performance reports.

The Chair thanked the National Service Director for the report.

Action 3: The National Service Director would provide an update on the Manchester Child Arrangements pilot evaluation once it had been finalised with the MoJ.

Action 4: Information about short notice appointments would be included in future Performance reports.

8. Strategic Risk Register

The Director of Resources reported that the residual risk across all areas but one remains as Amber. The residual risk for Effective Commissioning Services & Partnership Working is green. The Board noted the Environmental Analysis which provides an assessment of external pressures.

9. Board Membership

The Board agreed the proposal to co-opt Sophie Humphries, founder of the Pause Project, onto the Board. Her appointment would commence on 1 November 2018.

14. Any Other Business

There was no further business.

Actions Summary

- Action 1: An update on the Child Impact Assessment Framework would be provided to a future Board meeting.
- Action 2: The Head of IT's blog on LinkedIn, 'inadequate to outstanding, from paper to cloud' would be circulated to the Board.
- Action 3: The National Service Director would provide an update on the Manchester Child Arrangements pilot evaluation once it had been finalised with the MoJ.
- Action 4: Information about short notice appointments would be included in future Performance reports.

Minutes Approved by the Board Chair, Edward Timpson, 23.01.19

A handwritten signature in blue ink, appearing to read 'Edward Timpson', with a period at the end.